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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 20TH DAY OF JANUARY, 1998

BEFORE

THE HON'BLE MR.JUSTICE H.N.NARAYAN

CIVIL REVISION PETITION NO.3517/1997

BETWEEN:-

1. Holeppa,
S/o.Yekappa Chaprasi,
Aged about 39 years,
Occ.: Agriculture.
2. Mallawwa,
W/o.Yekappa Chaprasi,
Aged about 34years,
Occ.: House wife.
Both R/o.Gudalkerri Mohalla,
Shorapur, Gulbarga District. .. PETITIONERS

(By Sri.Ashok Patil, Adv.)

A N D:-

1. Bhagawwa,
W/o.Yenkappa Chaprasi,
Since deceased through L.Rs.
 - a) Maremma,
W/o.Ramanna,
Aged about 50 years,
R/o.Rattal,
Taluk Shorapur.

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- b) Hanamanthi,
W/o.Nagappa,
Aged about 45 years,
Occ.: Coolie,
R/o.Gudalkeri,
Taluk Shorapur.
- c) Rangamma,
W/o.Mallappa,
Aged about 40 years,
Occ.: House wife,
R/o.Maddiker Oni,
Shahapur Town.
2. Siddawwa,
W/o.Yenkappa Chaprasi,
Aged 64 years.
3. Bhagawwa,
W/o.Fakirappa,
Aged 39 years.

Respondents 2 and 3 are residing
at Gudalkeri Mohalla, Shorapur. .. RESPONDENTS

(By Sri.Veeresh B.Patil, Adv.)

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Civil Revision Petition is filed U/s.115 of
CPC against the order dated 26-9-1997 passed in
E.P.No.12/1992 on the file of the Civil Judge
(Junior Division), Shorapur.

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This Civil Revision Petition coming on for admission this day, the Court made the following:

O R D E R

This revision is directed against an order of the trial court rejecting the petitioners/ J.Dr's application filed Under Order 22 Rule 5 CPC. Upon the death of the decree holder, during the pendency of the execution proceedings (E.P. No.12/92), certain people filed an application to come on record as L.Rs. of the deceased decree holder. The executing court has allowed the same. The present petitioner had challenged the same before this Court in a revision which according to the learned counsel for the petitioner is pending till this date. In the meantime, he has filed another application under Order 22 Rule 5 praying the executing court to reject the application filed by the LR's of the decree holder. The main contention raised in the application is that the executing court has allowed the application

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without notice to him. However, for the reasons recorded in the impugned order, the trial court has dismissed the application.

However, it is sufficient for this court to reject the revision in the light of the submission made by the learned counsel for the petitioner that the original order of the trial court allowing the LR application and permitting them to come on record has been challenged and the matter is pending. If that is so, the petitioner cannot be allowed to abuse the forum of the court by making repeated applications. Revision is dismissed at the cost of Rs.500/-.

Sd/-
JUDGE.

vns.

R. By :

C. By :

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

11/3/58

